

Minutes
King County Rural Forest Commission
April 25, 2001
Mercerview Community Center

Commissioners present: Jean Bouffard, Steve Ketz, Bill Kombol, Ken Konigsmark, Fred McCarty, Doug McClelland, Andrew Schwarz

Commissioners absent: Gordon Bradley, Rudy Edwards

Exofficio members: Connie Blumen, Steve Boyce

Staff: Kathy Creahan, Kristi McClelland, Benj Wadsworth

Guests: Dave Warren

Doug McClelland called the meeting to order at 10:10 am.

Chair Report

Doug opened the meeting by reviewing the Commission's administrative procedures and his responsibilities as the new chair. He emphasized a clause that calls for the meetings to be conducted in an informal and collegial manner.

Minutes Approval

- Motion 1-401 "To adopt the March 20, 2001 minutes as written." Moved, seconded and approved.

Staff Report

Benj gave an update about the Forest Outreach Network (FON). He distributed the final version of the flier that was approved by FON at their recent meeting. He feels that it has been a major accomplishment to get all of the groups listed on the flier to agree to the message being sent out. The intention is to use the flier as an introduction to the group and send it out with invitations to give presentations to groups such as Rotaries, Kiwanis Clubs, the Mountaineers, etc. The group also viewed the slideshow that Benj and Kristi have been working on and approved of the content with a few minor edits. The slideshow is in Powerpoint format and will be given as part of the presentation.

Bill Kombol questioned the statement on the flier that “one acre of forestland saves roughly \$21,000 in stormwater retention costs....” This statistic was derived from the City Green study conducted for the Puget Sound area by American Forests. The Forestry program purchased data from American Forests that will enable them to derive similar numbers for specific areas within the County. Benj pointed out that the data is meant to be used for public outreach, and while he agrees that the statistics may be somewhat suspect, he feels that they are valuable as a public outreach tool.

Steve Ketz expressed concern about the statement that “King County is losing its private forestlands to development.” He feels that King County does not own any private forestland. Benj agreed and pointed out that a similar change had been made in the slideshow. He will look into making the change on the flier.

Ken Konigsmark pointed out that there are some errors on the map. Much of the land along I-90 is shown as private but is now in public ownership. Benj explained that the map was prepared using the Rural Forest District coverage, and he feels that the audience will not know the details of various ownerships. The map is meant to illustrate the basic concept that much of the forestland in the County is privately owned.

Kathy Creahan expressed concern with the statement “There are 857,000 acres of forestland in King County, but over 300,000 acres, or 35%, are in private ownership.” She feels that the word “but” suggests that private ownership is negative.

Doug McClelland reiterated that bringing all of the FON groups together in the discussion of conserving working forests has been a huge success.

Benj informed the Commission that the County is in the process of applying for Conservation Futures funding for land acquisitions. The County and the cities can apply to the Conservation Futures Citizen Oversight Committee, which will be allocating roughly \$9 million. For the past three weeks, the County has been developing their priorities. Benj distributed a list of the forestry staff’s priorities and the criteria used to develop them. Two of the three priorities from the Executive’s office are top forestry priorities – the Ames Lake property owned by Port Blakely and several properties in the Rock Creek Vision. The forestry staff has also promoted the acquisition of four parcels on Mitchell Hill owned by Trillium, Porterfield Development, and Pickard. Ken Konigsmark pointed out that the Isaac property adjacent to Pickard should also be a high priority, perhaps higher than the other four. Benj will look into altering the proposal. Finally, many of the other forest priorities are also prioritized by the watershed teams for salmon habitat preservation. The applications are due to the Citizen Oversight Committee on May 23. The County will likely submit a list of roughly ten priorities that was narrowed down from a list of appx. thirty.

Kathy introduced the Secure Rural Schools and Community Self-determination Act of 2000 that will restore to counties the revenue that they have traditionally received from a percentage of the total revenue generated by the federal government on USFS land. The amount of money will be based on the amount generated during the three years with the highest revenue, '89 – '91 in King County. In the past, the money has been split between schools and roads. The Act would require that 15 – 20 percent be used for resource lands projects – restoration, community forestry, education, conservation easements or planning. The total amount this year will be roughly \$400,000. The USFS is appointing a Resource Advisory Committee (RAC) to make recommendations about restoration activities. The RAC will cover both King and Pierce counties. Kathy encouraged commissioners to apply. Applications are due by May 4. King County would like to spend some of the money to fund the forestry program, some for easements, and a small amount for restoration. Steve Ketz asked where the money would be coming from. No one is quite sure. Doug suggested that the Commission should address how the County spends the \$360,000 that will not be spent on restoration projects.

Benj distributed two articles; an article about the impacts of the Forest and Fish rules on small forest landowners and another addressing the causes of forest parcelization from a statistical perspective. Of particular interest in the parcelization article is the finding that technical assistance and cost-share programs tend to decrease parcelization.

Ken mentioned the need for the Commission to weigh in on the issue of regulating schools and churches in the Rural Area. He feels that the Commission should express that they are concerned about the outcome of the issue and its potential impact on forests in the Rural Area.

Doug mentioned the reorganization that is occurring at the County and suggested that the RFC should address it in the discussion of the forest policy. Benj mentioned that Nancy Hanson, director of the Water and Land Resources Division, is intending to come to the next meeting to discuss the reorganization of the division. Ken suggested that the Commission take a proactive role.

Forest Policy

Benj distributed the matrix of work items with prioritization based on the information submitted by most all of the Commission members. He also distributed a draft version of the "County Forest Policy." Kathy mentioned that the final version should include some stronger statements along with action items.

Benj opened discussion by reiterating the Commission's sentiment that development of the Forest Policy, or vision for the future of King County forests, is an important first step in developing the work plan. He invited Commissioners to comment on any part of the draft. Doug asked who the audience would be. The immediate audience will be the Council, but the document could be used for public outreach in the future.

Doug commented that the introduction should not focus on numbers, but rather should highlight the main points. He emphasized the importance of highlighting the values of forestry and tying them to financial benefits. Ken commented that the statement about acquiring land for forest management needs to be clarified to state that forest management in the traditional sense of the word, i.e. – revenue generation, is only part of the reason that the forestlands were acquired. There is a need to clarify what is meant by forest management so as not to upset any of the audience.

Bill Kombol suggested that the list of the values of forestry should include land banking and the potential to generate revenue from conversion to residential use. Steve Ketz suggested that the document should make a distinction between land that the County can control and that which it can't. Kristi commented that the policy is not about control but rather about providing direction for the County to conserve forestland through incentives, partnerships, etc. She noted that without a clear policy, there is no direction for the County to be involved in productive efforts like the Snoqualmie Preservation Initiative. Benj reminded the Commission that they are working on public policy and that the conversion of forestland to other uses, while it may benefit individual landowners, is not in the public interest.

Bill Kombol pointed out the need for the policy to clarify that part of the reason that landowners are converting their land is the low economic return from forestry, not just the opportunity presented by residential development.

Doug pointed out the need to mention private landowners, along with agencies and conservation groups, as partners in cooperative efforts. He also questioned the use of the word "sustainable" in goal number three. He feels that the word is not well defined and needs to be clarified if it is used in a policy document. He also suggested listing the specific benefits referred to in goal number four.

Steve Ketz questioned the statement that "the acquisition and management of county-owned forestland is intricately linked to the successful maintenance of private forestland." Andy Schwarz interpreted it as "less fragmentation is better." He also suggested that it is important to include the concept of sustainability in the policy.

Bill Kombol suggested listing additional programs that compensate landowners for the benefits provided by their forests. Doug suggested elaborating on item number two about programs that assist small residential landowners in the stewardship of their forestland.

Fred suggested that item three include wording that future infrastructure needs that support development should not impact forest conservation.

Steve commented that the issue of certification is very controversial and needs to be evaluated before it is included in the policy. Kathy suggested that the county can encourage certification without mandating it. It is one of the tools to conserve forestland. Benj commented that both sustainability and certification may improve public acceptance of forestry and could therefore be beneficial if the policy is used for public outreach.

Doug suggested adding explanations to the existing policies listed in Attachment 1.

Conflict of Interest issue

Jean asked that Cathy Clemens' letter from the Board of Ethics be sent to each of the Commission members. The letter responds to the questions that Jean asked the Board of Ethics. The Board found that a conflict of interest may have occurred at the November meeting. The Board is adamant that it is not appropriate for Commission members to be involved in discussion when a potential conflict exists, and it is definitely inappropriate for a member with a potential conflict to vote. Cathy Clemens has contacted Benj to see how the RFC is addressing the issue. The Board stated that it is not in their jurisdiction to determine if a specific violation has occurred – the matter would need to be brought before the Ombudsman's office. The Board also stated that a Commission member who commits a violation of the Ethics Code is subject to removal from the Commission. The Board also suggested that the RFC should clarify their policies and procedures to abide by the King County Code of Ethics.

Jean contacted Joe Rochelle, the attorney for the King County Department of Natural Resources, to get advice on changing the RFC Administrative Procedures to be in line with the Code of Ethics. Benj distributed the revised procedures. The revisions prohibit Commissioners from being involved in discussions when a potential conflict of interest exists. The Commission members will vote when there is debate over whether a potential conflict exists. If a Commissioner votes when it is determined that a potential conflict of interest exists, her/his vote will not be counted.

Benj reminded the Commission that the purpose of a Conflict of Interest policy is to protect Commissioners from complaints from members of the public. It is not intended to stifle any individual's input.

Motion 1-401: To adopt the revised RFC Administrative Procedures as written with an edit to read that the Commission will vote on whether a conflict of interest exists. Motion seconded.

Bill Kombol reminded the Commission that the policies state that a vote will not be conducted at the same meeting at which an issue is raised.

Kathy suggested that the credibility of the Commission is protected if the Commission does not count a vote when a conflict of interest is suspected. She feels that the Commission is binding itself by suggesting disciplinary actions. Doug feels that as long as the wording in the procedures does not require any specific actions, then it is appropriate to include. The Commission will vote on the motion at the next meeting.

Jean addressed the specific incident that occurred at the November meeting. She recommended that Bill Kombol be censured for violating the Code of Ethics by voting after declaring a Conflict of Interest. A censure effectively notes the incident on the record. Bill responded that the Board of Ethics also noted that another Commissioner, Doug McClelland, had stated a conflict and voted. Doug responded that what he actually did was make a motion that the Commission not make a recommendation on the land use issues because they were not capable of addressing the issue in a constructive manner. Andy clarified that there is a big difference between a Commissioner with a direct financial benefit voting on the issue and a Commissioner recommending that the Commission take no action because they cannot reach consensus. He suggested that the Commission address the two issues separately because they have very different implications on the credibility of the Commission. Bill responded that he was voting on the North Bend land use amendments, not the East lake Sawyer amendment about which he had a conflict. He stated that his failure was to not separate the two amendments that were being addressed in one letter to Council. He wanted to preserve his right to submit a minority opinion.

Motion 2-401: To censure Bill Kombol for voting with a conflict of interest at the November meeting.

Andy reminded the Commission that based on the existing Administrative Procedures, the Commission only has two options, a censure or removal from the Commission. He suggested that the offer of a censure should not be viewed as a hostile motion but rather as a way to address the situation and move on. Ken commented that there was a clear conflict of interest

and there should be some action. He seconded the motion. Discussion ensued regarding the difference between Bill's conflict of interest and Doug's.

Dave Warren suggested that maybe the issue should be referred to the Ombudsman's office because they are a neutral party. Jean withdrew her previous motion and made a new motion to submit the complaint to the Ombudsman's office.

Motion 3-401: To submit the matter of Bill Kombol's actions at the November 2000 meeting to the Ombudsman's office. Seconded. Motion passed. In favor: Jean Bouffard, Ken Konigsmark, Andy Schwarz. Against: Steve Ketz, Fred McCarty. Abstaining: Bill Kombol, Doug McClelland.

Doug wrapped up the meeting by stating his desire to move forward. He feels that there is a lot of work to do. He does not want to address the church and school issue. He does feel that the Commission should assist the County with its reorganization because it potentially could have important implications on forest conservation issues. Steve asked for an organizational chart. Doug suggested that he and the vice-chair do some investigating to learn about what's going on. He also suggested that the Commission should view the slideshow at the next meeting. Benj added that the staff is not really looking for input at this point but that they would happily present the slideshow and welcome suggestions. Doug also feels that the Commission should address the allocation of the \$400,000 in USFS funds and continue to work on the forest policy document. Ken added that the Commission should continue to follow the church/school issue.

Doug thanked Jean for leading the Commission as chair for the past year. He commended the Commission on providing input on the Comprehensive Plan, which he feels was not an easy process. Finally, he stated that he will be gone June, July and August and will be turning over the leadership to Ken as the vice-chair. He also stated that he intended to ask Rex Thompson, his colleague at WADNR to sit in his place during that time as a non-voting member.

Next meeting - Tuesday, May 15, 10:00 at Mercerview Community Center.